

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In Re: John D. Mitzel,	:	Bankruptcy Case No.: 23-21479-CMB
	:	
	:	Chapter 13
Debtor.	:	
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John D. Mitzel,	:	Related to Doc. No. 37
	:	
	:	
Movants,	:	
	:	
v.	:	
	:	
Discover Bank, First National Bank, Of Omaha, KeyBank, N.A., LVNV, Funding, LLC, PNC Bank, N.A., Bank of America, N.A., PNC Bank, N.A.,	:	
	:	
	:	
Ronda J. Winnecour, Trustee	:	
	:	
Respondents.	:	

**ORDER CONFIRMING CHAPTER 13 SALE OF
PROPERTY FREE AND DIVESTED OF LIENS**

AND NOW, this 18th day of December, 2023, on consideration of the *Debtor's Motion to Sell Real Estate Known as 609 Marshall Avenue Free and Clear of Third Party Interests, Liens, Claims, Charges and/or Encumbrances in Accordance With 11 U.S.C. § 363*, for a gross sales price of \$118,000.00, after hearing held by ZOOM, this date, the Court finds:

(l) That service of the *Notice of Hearing* and *Order* setting hearing on said *Motion* for private sale of real property free and divested of liens of the above-named Respondents, was effected on the following secured creditors whose liens are recited in said *Motion* for private sale, viz:

<u>DATE OF SERVICE</u>	<u>NAME OF LIENOR AND SECURITY</u>
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<u>November 13, 2023</u>	PNC Bank, N.A. 3232 Newmark Drive Miamisburg, OH 45342
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(2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of serviced duly filed and that the named parties were duly served with the Motion.

(3) That said sale hearing was duly advertised on the Court's EASI website pursuant to *W.PA LBR 6004-1(c)(2)* on November 13, 2023, in the *Pittsburgh Post-Gazette* on November 16, 2023 and in the *Pittsburgh Legal Journal* on November 17, 2023, as shown by the Proof of Publications duly filed at docket no. 42 on November 27, 2023.

(4) That at the sale hearing the highest/best offer received was that of the above Purchaser(s) and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of \$118,000.00 offered by Kendall Pelling was a full and fair price for the property in question.

(6) That the Purchaser(s) has acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d. 143 (3d Cir. 1986).

NOW THEREFORE, it is hereby **ORDERED, ADJUDGED AND DECREED** that the sale of the real property described as 609 Marshall Avenue is hereby **CONFIRMED** to Kendall Pelling for \$118,000.00, free and divested of the above recited liens and claims, and, that the Movant is authorized to make, execute and deliver to the Purchaser(s) above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

It is **FURTHER ORDERED**, that the above recited liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

It is **FURTHER ORDERED**, that the following expenses/costs shall immediately be paid at the time of closing. *Failure of the Closing Agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions*, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order. Except as to the distribution

specifically authorized herein, all remaining funds are to be released to the Debtors at closing.

- (1) Payoff of First Mortgage to PNC Bank, N.A.: \$22,775.96 in accordance with stipulation Order docketed at number 44.
 - (2) Thompson Law Group Costs: \$449.00
 - (3) Thompson Law Group Fees: \$1,150.00

It is ***FURTHER ORDERED*** that:

- (1) ***Within seven (7) days of the date of this Order***, the Movant shall serve a copy of the within *Order* on each Respondent (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the Closing Agent, the Purchaser, and the attorney for the Purchaser, if any, and file a Certificate of Service.
 - (2) ***Closing shall occur within thirty (30) days of this Order.***
 - (3) ***Within seven (7) days following closing***, the Movant shall file a ***Report of Sale*** which shall include a copy of the HUD-1 or other Settlement Statement; and,
 - (4) This *Sale Confirmation Order* survives any dismissal or conversion of the within case.

Carlota M. Böhm
Carlota Böhm, Judge
United States Bankruptcy Court
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FILED
12/18/23 10:32 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

In re:
John D. Mitzel
Debtor

Case No. 23-21479-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: auto

Page 1 of 2

Date Rcvd: Dec 18, 2023

Form ID: pdf900

Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol **Definition**

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 20, 2023:

Recip ID	Recipient Name and Address
db	+ John D. Mitzel, 434 Perry Circle, Cranberry Twp, PA 16066-2142

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 20, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 18, 2023 at the address(es) listed below:

Name	Email Address
Alyk L Oflazian	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION amps@manleydeas.com
Brian Nicholas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmllawgroup.com
Brian C. Thompson	on behalf of Debtor John D. Mitzel bthompson@ThompsonAttorney.com blemon@thompsonattorney.com;bthompson@ecf.courtdrive.com;mgillespie@thompsonattorney.com;kfinke@thompsonattorney.com;mrowe@thompsonattorney.com;thompson.brianr111424@notify.bestcase.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmeccf@chapter13trusteedpa.com

District/off: 0315-2

User: auto

Page 2 of 2

Date Rcvd: Dec 18, 2023

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Total Noticed: 1

TOTAL: 5